Privacy Culture &
Personal Information Protection Act in Korea

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CONTENTS

I  Privacy Culture

II  Legal System of Personal Data Protection
I Privacy Culture
How it has evolved: 4 phases

1. Agrarian Society (until 1960)
   - Sense of privacy: very little

2. During Industrialisation (from 1960s)
   - Sense of privacy: still weak

3. After Democratisation (from 1990s)
   - Emphasis on Privacy

4. Information Society (from 2000s)
   - Privacy firmly established
Privacy Culture

Agrarian Society (until 1960)

Represented by:

- Agriculture-based community
- Confucianism

Privacy-related issues

- Concept of personal data not established
- Little sense of privacy

* Sharing detailed information about individuals seen as a virtue
Privacy Culture

Represented by:

- Efficiency in public administration
- National security and public order

Privacy-related issues

- Identifying & managing residents efficiently
  
  * Resident Registration Number (RRN) System (1968)

- Sense of privacy - still weak
For reference:

※ Resident registration numbers (RRN) comprise:

- Date of Birth
- Gender
- Place of Birth
- Error verification no.
- Sequential no. of residents registered
Privacy Culture

Represented by:

- Recovery of democracy (military regime to civilian government)
- Respect for fundamental human rights & privacy

During & after democratisation (from 1990s)

Privacy-related issues

- Emphasis on privacy
- e-Government fully in place
- Act on the Protection of Personal Information Maintained by Public Institutions enacted
Privacy Culture

Information Society (From 2000s)

Represented by:
- High-speed broadband
- Hyper-connected society

Privacy-related issues
- Emphasis on “Informational Autonomy”
- The PIPA enacted & the PIPC established (2011)
Legal System of Personal Data Protection
1. How it has changed over the past 20 years

- Legislation of the Act on the Protection of Personal Information
  - Maintained by Public Institutions

- The Information Communications Network Act amended
  - (provisions on personal data protection regulations added)

- The PIPA enacted
  - (The PIPC established)

- Restricted processing of RRN with strengthened punishment

- Collection & processing of RRN only under the provisions of the relevant laws
2. Data Protection Authorities

Powers of PIPC:

- to establish the Master Plan for personal data protection
- to assess privacy risk factors in laws & provide recommendation for improvement
- to mediate disputes & provide remedies
3. Characteristics of Data Protection Act (PIPA)

**Flexibility-wise:**

- Assessment of compatibility is not allowed
  - “Repurposing” not permitted

- Disclosure/sharing of personal data is much stricter than processing thereof
  - “Legitimate interest” not recognised
  - “Implementation of contracts” not included in the conditions for processing

- Prohibition of secondary disclosure (only by consent or under the law)
3. Characteristics of Data Protection Act (PIPA)

**Strong sanctions**

- Imprisonment of up to 10 years
- Fine of up to KRW 100 mil.
- Punitive damages system (not exceeding 3 times the amount of damages)
- Statutory damages system (not exceeding KRW 3 million)
- Collecting criminal proceeds
4. Under Discussion

A guiding agenda of the new Administration (Jul. 19, 2017)

√ Strengthening PIPC’s powers as the control tower
√ Ensuring the data subjects’ rights

Consultation in progress (among PIPC, MOIS, KCC and Presidential Office)

√ PIPC to be granted powers
  • ex-officio investigation, enforcement, sanctions, etc.
√ PIPC’s status to be enhanced as a completely independent Government body
  • personnel affairs, budget, etc.

Amendment to the PIPA on the way
√ Bills proposed by National Assembly members
Q & A
Thank You!